

ESTTA Tracking number: **ESTTA637078**

Filing date: **11/05/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	1724982 Alberta ULC
Granted to Date of previous extension	11/05/2014
Address	400 Sauv�� Street West Montreal, QC H3L 1Z8 CANADA
Attorney information	Theodore R. Remaklus Wood, Herron & Evans, L.L.P. 441 Vine Street 2700 Carew Tower Cincinnati, OH 45202 UNITED STATES tremaklus@whe-law.com Phone:513-241-2324

Applicant Information

Application No	86201180	Publication date	07/08/2014
Opposition Filing Date	11/05/2014	Opposition Period Ends	11/05/2014
Applicant	Pocket Maps Worldwide Ltd. P.O. Box 100321 Denver, CO 80250 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Athletic uniforms; Boxer shorts; Cap visors; Caps; Coats; Hats; Jackets; Jerseys; Pants; Parkas; Shirts and short-sleeved shirts; Short-sleeved or long-sleevedt-shirts; Shorts; Sweat pants; Sweat shorts; Sweaters; Sweatshirts; T-shirts; Uniforms
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Grounds for Opposition


Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)


Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	1185897	Application Date	03/26/1980
Registration Date	01/12/1982	Foreign Priority Date	NONE

Word Mark	BUFFALO
Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1979/10/00 First Use In Commerce: 1979/10/00 Men's and Women's Pants

U.S. Registration No.	2155119	Application Date	02/01/1995
Registration Date	05/05/1998	Foreign Priority Date	NONE
Word Mark	BUFFALO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1993/04/00 First Use In Commerce: 1993/06/00 sunglasses Class 014. First use: First Use: 1992/06/00 First Use In Commerce: 1992/07/00 watches, bracelets, earrings, anklet charms, necklaces Class 018. First use: First Use: 1993/04/00 First Use In Commerce: 1993/06/00 luggage, knapsacks Class 024. First use: First Use: 1993/04/00 First Use In Commerce: 1993/06/00 bed sheets, pillow cases, comforters, towels Class 025. First use: First Use: 1981/07/00 First Use In Commerce: 1982/01/12 clothing, namely men's and women's underwear, socks, hosiery, neckties, [bow ties,] bathrobes, bathing suits [, shoes, boots, slippers]		

U.S. Registration No.	3561672	Application Date	02/09/2007
Registration Date	01/13/2009	Foreign Priority Date	NONE
Word Mark	BUFFALO DAVID BITTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/07/16 First Use In Commerce: 1996/07/16 Clothing, namely, jeans, pants, shorts, skirts, dresses, jackets, shirts, sweat-shirts, T-shirts, sweaters, blouses, jumpers, cardigans, jackets, coats, scarves, gloves, socks, hosiery, pyjamas, bathrobes, bathing suits, underwear, and headwear		

U.S. Registration No.	3623466	Application Date	02/09/2007
Registration Date	05/19/2009	Foreign Priority Date	NONE
Word Mark	BUFFALO DAVID BITTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/01/09 First Use In Commerce: 2008/01/09 Children's clothing, namely, jeans, pants, shorts, skirts, dresses, jackets, shirts, sweatshirts, T-shirts, sweaters, blouses, cardigans, jackets, coats, scarves, gloves, socks, hosiery, pajamas, bathrobes, bathing suits, underwear, and headwear		

U.S. Application No.	85378705	Application Date	07/22/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BUFFALO DAVID BITTON		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 0 First Use In Commerce: 0 Men's and women's bags, handbags made in whole or in part of polyurethane		

U.S. Application No.	85378778	Application Date	07/22/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BUFFALO DAVID BITTON		

Design Mark	BUFFALO DAVID BITTON
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Active wear for aerobics and body training, namely, pants, shorts, leggings, sweatpants, shirts, tank tops, sweatshirts

U.S. Application No.	85480867	Application Date	11/25/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	JEANIUS BY BUFFALO JEANS		
Design Mark	Jeanius by Buffalo Jeans		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, namely pants, jeans, shorts, skirts, dresses, shirts, blouses, vests, outer jackets, overcoats, outdoor gloves, scarves, belts, underwear, hosiery, headwear		

U.S. Application No.	85391915	Application Date	08/08/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BUFFALO JEANS		

Design Mark	BUFFALO JEANS
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 0 First Use In Commerce: 0 Jewelry, namely, bracelets, necklaces, rings, earrings; watches


U.S. Application No.	85623409	Application Date	05/11/2012
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BUFFALO DAVID BITTON		
Design Mark	BUFFALO DAVID BITTON		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Eyewear, namely, sunglasses, eyeglasses and ophthalmic frames and cases therefor		


U.S. Application No.	85939620	Application Date	05/22/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BUFFALO DAVID BITTON		

Design Mark	BUFFALO DAVID BITTON
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 0 First Use In Commerce: 0 Jewelry, namely, key rings of precious metal, pins, cuff links, tie tacks and tie clips

U.S. Application No.	85949131	Application Date	06/03/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BUFFALO DAVID BITTON		
Design Mark	BUFFALO DAVID BITTON		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 0 First Use In Commerce: 0 Fragrances; non-medicated bath and shower preparations; non-medicated skin carepreparations; non-medicated hair care preparations		


U.S. Application No.	86016455	Application Date	07/22/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BFL BUFFALO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 0 First Use In Commerce: 0 Sunglasses; eyeglasses; eyeglass frames; eyewear cases; eyeglass chains and cords

U.S. Application No.	86016473	Application Date	07/22/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BFL BUFFALO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 0 First Use In Commerce: 0 Jewelry		

U.S. Application No.	86016506	Application Date	07/22/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BFL BUFFALO		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 0 First Use In Commerce: 0 Handbags; purses; backpacks; luggage; wallets; coin purses; tote bags; credit card cases; key cases and sports bags

U.S. Application No.	86016543	Application Date	07/22/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	BFL BUFFALO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Pants; jeans; shorts; coats; jackets; sweaters; t-shirts; skirts; dresses; shirts; blouses; vests; belts; hats and caps		

Attachments	77103556#TMSN.png(bytes) 77103567#TMSN.png(bytes) 85378705#TMSN.png(bytes) 85378778#TMSN.png(bytes) 85480867#TMSN.png(bytes) 85391915#TMSN.png(bytes) 85623409#TMSN.png(bytes) 85939620#TMSN.png(bytes) 85949131#TMSN.png(bytes) 86016455#TMSN.png(bytes) 86016473#TMSN.png(bytes) 86016506#TMSN.png(bytes) 86016543#TMSN.png(bytes) Notice of Opposition.PDF(28674 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/theodore r remaklus
Name	Theodore R. Remaklus
Date	11/05/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	
1724982 Alberta ULC,)	Opposition No. _____
)	
Opposer,)	
)	Application No. 86/201,180
v.)	Published: July 8, 2014
)	
Pocket Maps Workdwide Ltd)	
)	
Applicant.)	
_____)	

NOTICE OF OPPOSITION

Opposer, 1724982 Alberta ULC, an Alberta Canada unlimited liability company, having a place of business at 400 Sauvé Street West, Montreal, Quebec, Canada H3L 1Z8 ("Opposer"), believes that it will be damaged by registration of the trademark BUFFALO All-AMERICAN of Application No. 86/201,180 for "Athletic uniforms; Boxer shorts; Cap visors; Caps; Coats; Hats; Jackets; Jerseys; Pants; Parkas; Shirts and short-sleeved shirts; Short-sleeved or long-sleeved t-shirts; Shorts; Sweat pants; Sweat shorts; Sweaters; Sweatshirts; T-shirts; Uniforms" in International Class 25, and hereby opposes the same.

GROUND FOR OPPOSITION

As grounds for this opposition, Opposer alleges as follows:

1. Opposer is the owner of the BUFFALO and BUFFALO DAVID BITTON brands. BUFFALO branded clothing and fashion products were first sold by Opposer's predecessor in France in 1972. The brand quickly expanded, and was first marketed in the United States in 1979. In 1996, Opposer's predecessor-in-interest began using the BUFFALO DAVID BITTON mark, in which David Bitton was the lead designer for the brand. Since that time, Opposer and

its predecessors-in-interest have used the BUFFALO and BUFFALO DAVID BITTON marks, as well as other "Buffalo" bearing marks, in connection with a wide clothing and fashion products.

2. Opposer is the owner of the following BUFFALO, BUFFALO DAVID BITTON and BUFFALO bearing United States Trademark registrations and pending applications:

BUFFALO Registration No. 1,185,897, filed on March 26, 1980, registered on January 12, 1982, and claiming a first use date of October, 1979
Class 25 – Men's and women's pants

BUFFALO Registration No. 2,155,119, filed on February 1, 1995, registered on May 5, 1998, and claiming a first use date of January 12, 1982 in Class 25
Class 9 – Sunglasses
Class 14 – Watches, bracelets, earrings, anklet charms, necklaces
Class 18 – Luggage, knapsacks
Class 24 – Bed sheets, pillow cases, comforters, towels
Class 25 – Clothing, namely, men's and women's underwear, socks, hosiery, neckties, bathrobes, bathing suits

BUFFALO DAVID BITTON Registration No. 3,561,672, filed on February 9, 2007, registered on January 13, 2009, and claiming a first use date of July 16, 1996
Class 25 – Clothing, namely, jeans, pants, shorts, skirts, dresses, jackets, shirts, sweatshirts, T-shirts, sweaters, blouses, jumpers, cardigans, jackets, coats, scarves, gloves, socks, hosiery, pajamas, bathrobes, bathing suits, underwear, and headwear

BUFFALO DAVID BITTON Registration No. 3,623,466, filed on February 9, 2007, registered on May 19, 2009, and claiming a first use date of January 9, 2008
Class 25 – Children's clothing, namely, jeans, pants, shorts, skirts, dresses, jackets, shirts, sweatshirts, T-shirts, sweaters, blouses, cardigans, jackets, coats, scarves, gloves, socks, hosiery, pajamas, bathrobes, bathing suits, underwear, and headwear

BUFFALO DAVID BITTON Application No. 85378705, intent-to-use application filed on July 22, 2011
Class 18 – Men's and women's bags, handbags made in whole or in part of polyurethane

BUFFALO DAVID BITTON Application No. 85378778, intent-to-use application filed on July 22, 2011

Class 25 – Active wear for aerobics and body training, namely, pants, shorts, leggings, sweatpants, shirts, tank tops, sweatshirts

Jeanius By Buffalo Jeans Application No. 85480867, intent-to-use application filed on November 25, 2011

Class 25 – Clothing, namely pants, jeans, shorts, skirts, dresses, shirts, blouses, vests, outer jackets, overcoats, outdoor gloves, scarves, belts, underwear, hosiery, headwear

BUFFALO JEANS Application No. 85391853, intent-to-use application filed on August 8, 2011

Class 9 – Eyewear, namely, sunglasses, eyeglasses and ophthalmic frames and cases therefor

BUFFALO JEANS Application No. 85391915, intent-to-use application filed on August 8, 2011

Class 14 – Jewelry, namely, bracelets, necklaces, rings, earrings; watches

BUFFALO DAVID BITTON Application No. 85623409, intent-to-use application filed on May 11, 2012, notice of allowance December 25, 2012

Class 9 – Eyewear, namely, sunglasses, eyeglasses and ophthalmic frames and cases therefor

BUFFALO DAVID BITTON Application No. 85939620, intent-to-use application filed on May 22, 2013, notice of allowance June 10, 2014

Class 3 – Jewelry, namely, key rings of precious metal, pins, cuff links, tie tacks and tie clips

BUFFALO DAVID BITTON Application No. 85949131, intent-to-use application filed on June 3, 2013

Class 3 – Fragrances; non-medicated bath and shower preparations; non-medicated skin care preparations; non-medicated hair care preparations

BFL BUFFALO Application No. 86016455, intent-to-use application filed on July 22, 2013, notice of allowance June 10, 2014

Class 9 – Sunglasses; eyeglasses; eyeglass frames; eyewear cases; eyeglass chains and cords

BFL BUFFALO Application No. 86016473, intent-to-use application filed on July 22, 2013, notice of allowance June 10, 2014

Class 14 – Jewelry

BFL BUFFALO Application No. 86016506, intent-to-use application filed on July 22, 2013

Class 18 – Handbags; purses; backpacks; luggage; wallets; coin purses; tote bags; credit card cases; key cases and sports bags

BFL BUFFALO Application No. 86016543, intent-to-use application filed on July 22, 2013

Class 25 – Pants; jeans; shorts; coats; jackets; sweaters; t-shirts; skirts; dresses; shirts; blouses; vests; belts; hats and caps

The above marks are referred to collectively herein as the "Buffalo Marks".

3. Opposer, its predecessors-in-interest and/or its licensees have used the Buffalo Marks on or in connection with the above goods since the date of first use recited in the registrations. Those marks have also been the subject of substantial marketing and advertising in the United States in connection with the goods of Opposer, and Opposer, its predecessors and licensees have spent millions of dollars in promoting the goods under the Buffalo Marks. As a result of the long and continuous use and promotion of the Buffalo Marks, those marks have come to be associated exclusively with Opposer, as identifying goods emanating from Opposer.

4. On information and belief, Applicant Pocket Maps Wordwide Ltd. (Pocket Maps) is a Colorado limited liability company with an address of P.O. Box 100321, Denver, Colorado 80250.

5. On information and belief, Pocket Maps filed intent-to-use Application No. 86/201,180 (hereinafter "the '180 Application") on February 22, 2014 for the trademark BUFFALO ALL-AMERICANS for "Athletic uniforms; Boxer shorts; Cap visors; Caps; Coats; Hats; Jackets; Jerseys; Pants; Parkas; Shirts and short-sleeved shirts; Short-sleeved or long-sleeved t-shirts; Shorts; Sweat pants; Sweat shorts; Sweaters; Sweatshirts; T-shirts; Uniforms" in International Class 25, which was published for opposition on July 8, 2014.

6. Pocket Maps' filing date is subsequent to Opposer's filing dates and/or first use dates for the Buffalo Marks.

7. The BUFFALO ALL-AMERICANS mark incorporates the BUFFALO term which is identical to and/or is a dominant element of the Buffalo Marks.

8. Likewise, the goods in International Class 25 of the '180 Application with which the BUFFALO ALL-AMERICANS mark are allegedly intended to be used, are identical and/or highly related to the goods with which the Buffalo Marks are used, have been registered and/or are the subject of prior filed pending applications.

9. As a result of the similarity of the marks and goods, the use by Pocket Maps of the BUFFALO ALL-AMERICANS mark would be likely to cause confusion among consumers of those goods.

10. The BUFFALO ALL-AMERICANS mark is likely to cause confusion or to cause mistake or to deceive consumers by creating the false impression that Pocket Maps' goods originate with or are from the same source as Opposer's goods, or are endorsed by, sponsored by, or otherwise connected or affiliated in some way with Opposer and its Buffalo Marks.

11. Under Section 7(b) of the Lanham Act, 15 U.S.C. § 1057(b), if a certificate of registration were to issue to Pocket Maps it would be *prima facie* evidence of, among other things, her right to use the mark in commerce on the goods recited in the application, and such use would be likely to cause confusion, or to cause mistake, or to deceive purchasers by reason of the similarity thereof to Opposer's Buffalo Marks.

WHEREFORE, 1724982 Alberta ULC believes that it will be damaged by registration of the BUFFALO ALL-AMERICANS trademark, and prays that the '180 Application be refused and registration denied.

The fee required under 37 C.F.R. § 2.6(a)(17) is being submitted herewith. The Commissioner is authorized to charge Deposit Account No. 23-3000 for any deficiencies in the filing fee and any and all other fees associated with filing the Notice of Opposition.

Respectfully submitted,

1724982 Alberta ULC

Date: November 5, 2014

By: /s/ Theodore R. Remaklus
Theodore R. Remaklus
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Attorneys for Opposer
1724982 Alberta ULC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Notice of Opposition** has been served by first class mail, postage prepaid, upon Applicant on this 5th day of November, 2014, on the following address:

Pocket Maps Worldwide Ltd.
P.O. Box 100321
Denver Colorado 80250-0321

/s/ Theodore R. Remaklus
Theodore R. Remaklus

Attorney for Opposer
1724982 Alberta ULC